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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,512	01/20/2004	Philippe Leyendecker	PF030028	2983
7590 12/28/2007 JOSEPH S. TRIPOLI THOMSON LICENSING INC. SUITE 200 2 INDEPENDENCE WAY PRINCETON, NJ 08540			EXAMINER PARRA, OMAR S	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 12/28/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/761,512

Applicant(s)

LEYENDECKER ET AL.

Examiner

Omar Parra

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06/22/2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 15-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/18/2007 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims **1-13 and 15-18** are rejected under 35 U.S.C. 102(b) as being anticipated by Benardeau et al. (hereinafter 'Benardeau', Patent No. 6,904,522, which is of record).

Regarding claims 1 and 13, Benardeau teaches a system and digital terminal for receiving broadcast digital data comprising:

a master digital terminal (**12, Fig. 4; col. 12 lines 46-55**) and at least one slave digital terminal (**50, Fig. 4; col. 12 lines 56-62**) adapted to generally simultaneously

receive protected digital data from a transmitter (**col. 8 lines 1-10; col. 12 lines 56-62; col. 13 lines 29-33; col. 14 lines 51-59**),

the at least one slave digital terminal being connected to the master terminal by a link (**51, Fig. 4**),

wherein said slave digital terminal can access, said received protected digital data only if information necessary for accessing said protected digital data and received by the master digital terminal is sent by way of said link to the slave digital terminal within a predetermined deadline (**col. 13 lines 11-38; col. 11 line 54- col. 12 line 8; col. 14 line 48- col. 15 line 32; where the predetermined deadline is the validity period or life of the Kex and/or CW. The master device has to send the CW to the slave before its validity changes. Or, when the CW is sent to the slave, it's encrypted with a Ks- a session key- that's generated by the slave. This key also has a predetermined time, col. 14 lines 16-24. Without the Ks, no encryption would be possible to transmit CW and no reception of the information necessary for accessing the content would be safely received, which goes against the principle of having a safe link**).

Regarding claim 2, Benardeau teaches a system, wherein the information necessary for accessing the protected data which is received by the master digital terminal originates from a data broadcasting system (**41, Fig. 3; col. 11 lines 54-65**).

Regarding claim 3, Benardeau teaches a system wherein said information for accessing the data received by the master digital terminal is transformed before being sent to the slave digital terminal (**col. 3 lines 24-29, lines 52-61; col. 14 line 60-col. 15 line 32**).

Regarding claims 4 and 6, Benardeau teaches a system, in which the transformation comprises a descrambling of said information in the master digital terminal, the descrambling being performed with the aid of keys received beforehand by the master digital terminal of the broadcasting system (**Kex, used to descramble CW is received in advance by terminal 12, col. 13 lines 11-38; col. 14 line 60- col. 15 line 32**).

Regarding claim 5, Benardeau teaches a system, wherein the information necessary for accessing the protected data, which is received by the master digital terminal, originates from the slave digital terminal, is transformed before being resent to the slave digital terminal (**CW can be sent to the master device or originated from the slave for further descrambling at the master and being sent back to the slave, col. 14 line 51- col. 15 line 32**).

Regarding claim 7, Benardeau teaches a system, in which the protected digital data comprise television services scrambled by keys and in which the information necessary for accessing said data belongs to the set comprising:

- a message containing access entitlements to the services for the slave digital terminal **(ECM is sent to slave, and checked by master for slave's rights, col. 9 lines 25-51; col. 14 lines 51-65);**

- a message containing parameters for extracting from the data stream received by the slave digital terminal a message containing access entitlements to the services for the slave digital terminal **(EMM monthly update of Kex, lets decipher the ECM that contains rights of slave and Control Word, col. 11 line 66- col. 12 line 8).**

- a message **(62, Fig.5)** containing partial information **(“KpubT” or 68, Fig. 5, partial information -one of the pair of keys needed to have communication after authentication)** enabling the slave digital terminal to reconstruct its access entitlement to the services **(Without the KpubT, no communication is possible and therefore the reconstruction of access entitlement –ECM- is consequently no possible);**

- a message containing keys for descrambling said protected digital data **(ECM containing Control Word, and EMM containing Kex update, which are used to descramble the protected content, col. 7 lines 3-9).**

Regarding claim 8, Benardeau teaches a system in which the predetermined deadline is slave digital terminal counted down from the dispatching by the of a message to the master digital terminal **(col. 14 lines 16-32)**.

Regarding claim 9, Benardeau teaches a system in which the predetermined deadline is counted down from the dispatching by the broadcasting system of the data of a message to the master digital terminal **(It's the broadcasting system which dispatches the Kex for giving rights for a predetermined period of time; therefore, for renewing it, the broadcasting system has to keep track or count down the remaining time of the Kex)**.

Regarding claims 10, Benardeau teaches a system , in which the information necessary for accessing the protected data is sent from the master digital terminal to the slave digital terminal while being protected by enciphering using key shared by the two terminals **(col. 15 lines 4-32)**.

Regarding claim 11, Benardeau teaches a system in which the master digital terminal and slave digital terminal furthermore receive from the data broadcasting system a secret code **(KpriT and KpubT pair of keys, which are respectively received by master and slave, 64 and 68, Fig. 5)** and,

in which the master digital terminal sends said information necessary for accessing the data to the slave terminal only if it receives said secret code from the

slave terminal within a second predetermined deadline counting down the receipt of the secret code by the master terminal **(When the CW is sent to the slave, it's encrypted with a Ks- a session key- that's generated by the slave. This key also has a predetermined time, col. 14 lines 16-24. Without the Ks, no encryption would be possible to transmit CW and no reception of the information necessary for accessing the content would be safely received, which goes against the principle of having a safe link).**

Regarding claim 12, Benardeau teaches a system in which the secret code received by the master digital terminal and by the slave digital terminal is scrambled with the aid of keys sent beforehand to said terminals by the data broadcasting system **(KpubT is encrypted with KpriMan, which is the pair of KpubMan received by the slave receiver. The certificate that contains the encrypted KpubT and more, is encrypted using the exploitation key Kex, which is sent to the master device in advance; col. 13 line 53-col. 14 line 15).**

Regarding claims 15 and 16, Benardeau teaches a system wherein the information necessary for accessing said protected data comprises a secret key **(Control Word used to descramble the content is a key, col. 7 lines 3-9; col. 14 line 51- col. 15 line 32).**

Regarding claims 17 and 18, Benardeau teaches a system wherein the protected digital data is received via another link (**col. 12 lines 56-62**).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Parra whose telephone number is 571-270-1449. The examiner can normally be reached on Under Academy Schedule.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OP



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